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TERM "INJURY" IN OHIO WORKMEN'S COMPENSATION LAW CONSTRUED.

The Supreme Court of Ohio has decided ¹ that the term "injury" in the Workmen's Compensation Law does not include diseases contracted in the course of employment, and accordingly holds that death from typhoid fever is not compensable. The question of the compensability of occupational diseases was not involved in the case. The following is a portion of the court's opinion:

* * * But in view of the constitutional interpretation, in view of the fact that during the eight years that the compulsory compensation law has been in force, the industrial commission has given the term "injury" an interpretation which excludes diseases which are contracted as distinguished from diseases which are occasioned by or follow as a result of some physical injury, and in view of the fact that to interpret the term "injury" as including diseases generally would enlarge the scope of disabilities compensable to such an extent as to either bankrupt the fund or require a complete readjustment of premiums upward, we hold that, if the scope of cases compensable is to be extended, it should be done by unambiguous legislative enactment rather than by judicial construction. For it must be recognized that if the term "injury" is to be construed to include typhoid fever contracted in the course of employment, it may as well include influenza, pneumonia, tuberculosis, smallpox, ordinary colds, rheumatism, and practically every disease which may be contracted by workmen in the course of employment, and the workmen's compensation department will become a health and life insurance department for workmen, compulsorily supported by employers, and the constitutionality of the whole scheme be endangered.

DEATHS DURING WEEK ENDED OCTOBER 7, 1922.

Summary of information received by telegraph from industrial insurance companies for week ended October 7, 1922, and corresponding week 1921. (From the Weekly Health Index, October 10, 1922, issued by the Bureau of the Census, Department of Commerce.)

	Week ended Oct. 7, 1922.	Corresponding week, 1921.
Policies in force.....	48,834,171	47,794,871
Number of death claims.....	7,161	7,305
Death claims per 1,000 policies in force, annual rate.....	7.6	8.0

¹ Industrial Commission v. Cross et al., 136 N. E. 283. (This case reverses the judgment of the Ohio Court of Appeals in the case of the Industrial Commission of Ohio v. Cross et al., an abstract of which was published in the Public Health Reports of Nov. 11, 1921, pp. 2770-2771.)

Deaths from all causes in certain large cities of the United States during the week ended October 7, 1922, infant mortality, annual death rate, and comparison with corresponding week of 1921. (From the Weekly Health Index, October 10, 1922, issued by the Bureau of the Census, Department of Commerce.)

City.	Estimated population July 1, 1922.	Week ended Oct. 7, 1922.		Annual death rate per 1,000, corresponding week 1921.	Deaths under 1 year.		Infant mortality rate, week ended Oct. 7, 1922. ³
		Total deaths.	Death rate. ¹		Week ended Oct. 7, 1922.	Corresponding week 1921.	
Total.....	27,516,678	5,875	11.1	10.6	853	845	.....
Akron, Ohio.....	* 208,435	21	5.3	7.5	5	7	53
Albany, N. Y.....	116,223	26	11.7	16.3	5	3	112
Atlanta, Ga.....	220,047	63	11.9	18.1	10	5	.....
Baltimore, Md.....	762,222	174	11.9	13.8	21	36	59
Birmingham, Ala.....	191,017	50	13.6	12.6	5	8	.....
Boston, Mass.....	764,017	208	14.2	11.7	30	25	80
Bridgeport, Conn.....	* 143,555	23	8.4	8.3	4	7	50
Buffalo, N. Y.....	528,163	129	12.7	10.1	25	30	98
Cambridge, Mass.....	110,944	30	14.1	5.7	9	0	164
Camden, N. J.....	121,915	38	16.3	8.7	4	6	61
Chicago, Ill.....	2,533,288	597	11.0	9.5	71	94	.....
Cincinnati, Ohio.....	404,865	93	12.0	11.9	12	10	80
Cleveland, Ohio.....	854,003	166	10.1	8.2	28	28	72
Columbus, Ohio.....	253,455	63	13.0	13.0	6	7	63
Dallas, Tex.....	171,974	35	10.6	8.2	5	1	.....
Dayton, Ohio.....	161,824	18	5.8	11.9	2	4	34
Denver, Colo.....	267,591	75	14.6	13.1	11	7	.....
Detroit, Mich.....	* 993,678	201	10.5	9.0	46	37	89
Fall River, Mass.....	120,790	37	16.0	15.1	11	12	154
Fort Worth, Tex.....	114,717	26	11.8	.....	1	.....	.....
Grand Rapids, Mich.....	143,572	29	10.5	7.8	5	7	83
Houston, Tex.....	150,087	27	9.4	14.1	3	5	.....
Indianapolis, Ind.....	333,257	90	14.1	13.9	10	11	76
Jersey City, N. J.....	305,911	61	10.4	12.7	11	16	70
Kansas City, Kans.....	113,801	33	15.1	14.6	4	4	92
Los Angeles, Calif.....	634,866	180	14.8	12.8	22	16	91
Louisville, Ky.....	236,877	61	13.4	12.8	5	7	54
Lowell, Mass.....	114,423	32	14.6	10.5	8	6	135
Memphis, Tenn.....	167,862	65	20.2	14.8	6	5	.....
Milwaukee, Wis.....	476,603	78	8.5	9.2	9	17	44
Minneapolis, Minn.....	400,970	60	7.8	12.5	4	9	22
Nashville, Tenn.....	122,832	53	22.5	17.5	3	6	.....
New Bedford, Mass.....	127,542	22	9.0	8.3	5	5	74
New Haven, Conn.....	169,987	35	10.7	11.6	7	3	86
New Orleans, La.....	399,616	118	15.4	13.6	23	9	.....
New York, N. Y.....	5,839,746	1,135	10.1	9.0	174	159	67
Newark, N. J.....	431,792	67	8.1	10.2	14	11	62
Norfolk, Va.....	124,915	29	12.1	10.3	3	2	53
Oakland, Calif.....	233,279	38	8.5	11.1	4	5	50
Omaha, Nebr.....	200,739	52	13.5	13.2	4	7	43
Paterson, N. J.....	138,521	29	10.9	9.1	5	4	77
Philadelphia, Pa.....	1,894,500	332	10.8	11.1	66	62	78
Pittsburgh, Pa.....	607,942	149	12.8	10.9	33	26	105
Portland, Oreg.....	269,240	45	8.7	9.6	7	4	69
Providence, R. I.....	241,011	56	12.1	11.8	8	7	63
Richmond, Va.....	178,365	35	10.2	16.3	2	8	24
Rochester, N. Y.....	311,548	61	10.2	9.6	8	10	62
St. Louis, Mo.....	795,008	180	11.8	10.5	15	9	.....
St. Paul, Minn.....	239,836	46	10.0	9.2	4	3	38
Salt Lake City, Utah.....	123,918	16	6.7	11.1	6	3	89
San Antonio, Tex.....	178,058	39	11.4	.....	3	.....	.....
San Francisco, Calif.....	529,792	114	11.2	12.0	10	7	58
Seattle, Wash.....	* 315,312	43	7.1	6.5	4	4	34
Spokane, Wash.....	104,445	24	12.0	12.5	1	2	21
Springfield, Mass.....	140,052	25	9.3	13.4	6	5	90
Toledo, Ohio.....	260,717	56	11.2	12.1	8	10	78
Trenton, N. J.....	125,075	28	11.7	12.3	5	6	77
Washington, D. C.....	* 437,571	97	11.6	10.8	15	12	86
Wilmington, Del.....	115,568	27	12.2	9.2	8	4	156
Worcester, Mass.....	188,449	36	10.0	11.0	0	8	0
Yonkers, N. Y.....	105,422	13	6.4	7.6	1	3	21
Youngstown, Ohio.....	144,970	26	9.4	11.6	3	11	40

¹ Annual rate per 1,000 population.

² Deaths under 1 year per 1,000 births—an annual rate based on deaths under 1 year for the week and estimated births for 1921. Cities left blank are not in the registration area for births.

³ Enumerated population Jan. 1, 1920.